

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 56th LEGISLATURE - REGULAR SESSION

COMMITTEE ON NATURAL RESOURCES

Call to Order: By **CHAIRMAN BILL TASH**, on February 5, 1999 at 3:20 P.M., in Room 437 Capitol.

ROLL CALL

Members Present:

Rep. Bill Tash, Chairman (R)
Rep. Hal Harper, Vice Chairman (D)
Rep. Cindy Younkin, Vice Chairman (R)
Rep. Rod Bitney (R)
Rep. Aubyn A. Curtiss (R)
Rep. Rick Dale (R)
Rep. Bill Eggers (D)
Rep. Ron Erickson (D)
Rep. David Ewer (D)
Rep. Gail Gutsche (D)
Rep. Joan Hurdle (D)
Rep. Dan McGee (R)
Rep. Douglas Mood (R)
Rep. Karl Ohs (R)
Rep. Scott J. Orr (R)
Rep. Bob Raney (D)
Rep. Bob Story (R)
Rep. Jay Stovall (R)
Rep. Carley Tuss (D)
Rep. Doug Wagner (R)

Members Excused: None.

Members Absent: None.

Staff Present: Deb Thompson, Committee Secretary
Kathleen Williams, Legislative Branch

Please Note: These are summary minutes. Testimony and discussion are paraphrased and condensed.

Committee Business Summary:

Hearing(s) & Date(s) Posted: HB 412, HB 458, 2/3/1999
Executive Action: HB 74, HB 102, HB 423

HEARING ON HOUSE BILL 412

Sponsor: Rep. Carol Juneau, HD 85, presented the bill. She presented testimony, **EXHIBIT(nah29a01)**, **EXHIBIT(nah29a02)**, **EXHIBIT(nah29a03)**, and **EXHIBIT(nah29a04)**. The bill would remove the word "squaw" from place name designations in the state of Montana. She noted the changes would be made during ordinary processes, such as replacing old signs. She referred to the chart showing definition of the word which was derogatory and disrespectful.

Proponents: Congressman Pat Williams spoke in support of the bill. He stressed the importance of reconciliation and political correctness. Ethnic groups have undergone slights and insults and racism still exists. These slights are still printed by the government.

Michael T. Pablo, Chairman of the Confederated Salish and Kootenai Tribes, spoke in support of the bill. The bill would remove the word "squaw" from place name designations in the state. He provided some background about himself as a descendant of the signers of the Hellgate Treaty. He pointed out that places are named after good things and people that are remembered **EXHIBIT(nah29a05)**. *{Tape : 1; Side : A; Approx. Time Counter : 16}*

Kathleen Fleury, Tribal Attorney of the Blackfeet Nation, furnished a Resolution from the council in support of the bill. **EXHIBIT(nah29a06)** She related a personal story about a congressional leader who had referred to her as a squaw and how demeaning this was. She said Indian people are respectful of leaders. *{Tape : 1; Side : A; Approx. Time Counter : 16.1 - 18.8}*

Wyman McDonald, Coordinator of Indian Affairs for the Office of the Governor, urged the committee to pass the bill. He presented a Resolution from the Fort Belknap Community Council. He said the term was dehumanizing, a negative stereotype and abusive language. **EXHIBIT(nah29a07)**

Mary Phippin, spoke in favor of the bill. The bill would provide dignity for all people and works toward achieving that goal.

Christine Kauffman, Montana Human Rights Network, spoke in favor of the bill. She said the network was a private advisory group that works on enhancing human rights for all Montanans. In 1963 the word "nigger" was changed to negro and in 1967 the word "jap" was changed to Japanese. She suggested a contest of school kids to come up with names for these landmarks. She remarked this bill last Session was labeled a "feel good" bill. She asked what

the matter was since there were a lot of bills passed that didn't feel good. This bill is about old fashioned respect. She urged the committee to pass the bill.

Scott Carlson, member of the Blackfoot Tribe and a graduate of the University, spoke about the care parents and grandparents take to name children. The word "squaw" is used in ignorance but is associated with disrespect and abuse to women. He read part of Ardy Sixkiller Clarke's testimony **EXHIBIT (nah29a08)**.

Henrietta Mann, Ph.D., whose name means "woman who comes to offer prayer" spoke in support of the bill. **EXHIBIT (nah29a09)** She discussed the use of language that is infused with power which can be used hurtfully or can create and transform. She said squaw is the "s" word, synonymous with the "c" word, associated with the "f" word. The thesaurus lists the synonym for squaw as prostitute.

Bryony Schwan, Executive Director of the Women's Voices for the Earth, spoke in favor of the bill. She said their group's mission was to empower women, effect environmental policy and create a society that is socially just and ecologically sustainable. She pointed out the next time the Legislature would meet would be in the next century. She suggested this form of racism be left with the past century.

Rebecca Moog, representing the Montana Women's Lobby, spoke in favor of the bill.

Opponents: None

Questions from Committee Members and Responses: Rep. McGee asked if the cost of changing the names on maps were discussed with the USGS. He pointed out the USGS was not swift to do this and would the federal government change their maps. Rep. Juneau replied this change would not take place right away. The processes would still need to be developed but this asks the state to take action.

Rep. Mood asked Dr. Mann if she had suggested names. Dr. Mann replied the naming would involve those people in the geographical areas that applied. In her opinion these names would celebrate life givers or spirit women of the land. She listed a few names that would honor Indian and non Indian. She would work on the names and offer choices. **{Tape : 1; Side : A; Approx. Time Counter : 45.9 - 49}**

Rep. Ohs asked what other states were doing this. Rep. Juneau answered Minnesota, California, among others. Their resource systems could be researched.

Rep. Stovall asked if the language in the bill addressed the federal agencies to do this in the same manner. Rep. Juneau said it was not clear, that this may be a committee process. She distributed amendments that would address the process that would take place. **EXHIBIT(nah29a10), EXHIBIT(nah29a11)**. She suggested local groups could work on name selection and this could be coordinated by the Office of Indian Affairs.

Rep. Hurdle asked about previous name changes, such as Jap to Japanese. Christine Kaufmann responded that the USGS had changed these names in 1963 and in 1967. She suggested local groups could address this more appropriately. **EXHIBIT(nah29a12), EXHIBIT(nah29a13) {Tape : 1; Side : A; Approx. Time Counter : 54.9}**

Rep. Harper asked Wyman McDonald of the Office of Indian Affairs to talk about the process. McDonald said the process could proceed after the committee was formed. The next step would be to present the recommendations to the state historical review board and then other significant factors could be addressed. He said this would take a coordinated effort. **{Tape : 1; Side : A; Approx. Time Counter : 56.1 - 58.2}**

Rep. Harper suggested past names be researched. Rep. Juneau said this would be a great educational process for kids and college students to work together finding and compiling names that reflect history.

Closing by Sponsor: Rep. Juneau closed. She said this was an important bill for the Indian people. She said to work on changing the names in Montana first and then deal with the federal issue.

HEARING ON HOUSE BILL 458

Sponsor: Rep. Karl Ohs, HD 33, presented the bill. The bill has to do with water and the Environmental Quality Council. He said the bill reflected the concerns of the Madison River area where there is a great deal of development along the river. The stream side corridors should be looked at by the EQC to make recommendations. The bill includes some other water concerns.

Proponents: John Munding, representing the Montana Stockgrower's Association, suggested amendments.

EXHIBIT (nah29a14) He pointed out the stockgrowers had been supportive of the development of Best Management Practices (BMP) for the state of Montana. They are very supportive of the notion that best management practices, to be effective, need to be implemented on a voluntary basis. People need to be aware of things that they can do regarding land management practices, to do things that affect the habitat of the streams in a positive way. The EQC can take a role in coordinating dissemination of information to promote this educational process.

Patrick Heffernan, representing the Montana Logging Association, described their conditional support for the bill. He suggested section 2, regarding policy recommendations, be addressed. He said the EQC has promoted best management practices which has been very valuable. He said the systems in Montana are envied by other states. Other states have heavy regulatory systems that Montana has been addressing in an educational manner. **{Tape : 1; Side : B; Approx. Time Counter : 5.3 - 7.7}**

Mike Volesky, representing the Montana Association of Conservation Districts, supported the bill on behalf of the districts. He recognized three things in the bill. Stream corridors and riparian areas are critical parts of the landscape. The need for coordination and oversight is important to avoid duplication of efforts. It is important to recognize the value of application of BMP's. He pointed out that lots of work had been piled on to agencies and conservation districts. The TMDL legislation last session was one example which made a ten year time line difficult to develop TMDL's for the number of impaired waters. He cautioned that this effort could take away from agencies and conservation district resources in being able to apply resources out on the ground. He pointed out there was a Montana Watershed Coordination Council which is a group of agencies that get together to discuss these issues. This helps avoid duplication of efforts. He cautioned about the voluntary application of BMP's, to recognize that a "cookbook" approach isn't practical considering the wide resources and land uses in Montana. BMP's, Best Management Practices, are best applied at the local level, rather than a statewide level.

Jerry Wells, representing the Montana Council for Trout Unlimited, talked about the tremendous rate of changes occurring to the Montana landscape. He said unfortunately most of the change was focused on riparian corridors. Their group has supported the BMP and Streamside Management Program. He pointed out Montana has a lot of experience with management practices and other programs that agencies and individuals are utilizing that address corridor and riparian management. EQC should continue to compile and make available all the available information.

Janet Ellis, Montana Audubon, supported the bill without the amendments. She pointed out the EQC was bipartisan and not a radical body. **EXHIBIT(nah29a15)** *Riparian Forest Wildlife*

Louise Bruce, Sierra Club, spoke in support of the bill. She said it was important to pool scarce resources and to continue to coordinate information.

Robin Cunningham, representing the fishing outfitters, spoke about the houses lining the Madison River and the need to protect stream sides.

Opponents: Mike Murphy, representing the Montana Water Resources Association, opposed the bill. He said the bill needed amendments. He stated the bill had the appearance of promoting more government management and policy. He distributed an amendment. **EXHIBIT(nah29a16)** {Tape : 1; Side : B; Approx. Time Counter : 20.4}

John Youngberg, representing the Montana Farm Bureau, spoke against the bill. He pointed out the bill had some good components. They feel voluntary BMP's are best initiated by local people. Dissemination and education were vital regarding proper grazing practices. He agreed with Mr. Murphy's amendments and said they would reevaluate their position on the bill with those amendments.

Cary Hegreberg, Montana Wood Products Association, spoke against the bill. He presented amendments and said there were many changes needed. **EXHIBIT(nah29a17)** He referred to other booklets that dealt with streamside management, riparian areas and stream corridors. He noted the bill may have application to many areas but for the forest products community and industrial land owners this bill is not necessary. {Tape : 1; Side : B; Approx. Time Counter : 22.7 - 25}

Opponents' Testimony: Rep. Erickson asked Mr. Munding from the stockgrowers about the amendment and getting ideas from other states. Munding replied the amendment could be edited to address policies that might be applied to Montana. He said the real concern was voluntary versus compulsory. The existing policy was effective and should be used. He noted that over the years in Montana when it comes to natural resource management issues, Montanans would rather fight than win. When it comes to things like streamside corridor management you can achieve things cooperatively. Montana has strong traditions about private property rights and what you can make the private property owner do. There is a recognition that people are willing to do things voluntarily but will resist when it is compulsory. The important

issue is to get the information out so the people can participate voluntarily. **{Tape : 1; Side : B; Approx. Time Counter : 26.9 - 31.5}**

Questions from Committee Members and Responses:

Rep. Erickson said he was interested in making sure the best information was available. He understood the voluntary systems worked well and it was not his sense that researching policies from other states mean to get away from voluntary systems. Munding said he agreed and then the suggested amendment should delete the last phrase.

Rep. Tuss said she was amazed at the opposition to a bill that would only span a 14 month time period. Rep. Ohs replied the issue regarding the tentative nature of BMP's and watershed groups there was a close balance. He pointed out this would define the path more clearly. Rep. Tuss asked if it was worthwhile giving EQC additional chores. Rep. Ohs said the amendments addressed this by taking current information, making it available for wider use and better acceptance.

Rep. Harper asked if the purpose was having the EQC help coordinate finding existing BMP's that work and are effective, help them voluntarily continue. He said that BMP's used by loggers were effective. The FWP had rejected the use of BMP's for fishing access. He asked if state agencies would incorporate more of these management practices if the bill passed. Murphy said there was room for improvement. The legislation would make the information more available.

Rep. Dale asked Cary Hegreberg to respond regarding the forest products and logging industry. Hegreberg said they were highly successful because of the buy-in that logging contractors, timber companies and landowners have experienced. The problem with the bill is the TMDL process is already in place with local watershed groups and the BMP training program. The forestry industry is already on the right track and they continue to refine the BMP's and monitor the effectiveness and try and adapt practices over the long haul to meet concerns that are pointed out in the audit.

Closing by Sponsor: Rep. Ohs pointed out if the talk about policies was changed to programs or actions this would address the controversy. The bill would just look at what other people had done and bring that together in the EQC. He pointed out there had been some good suggestions.

EXECUTIVE ACTION ON HOUSE BILL 423

Chairman Tash said he had been asked by Rep. Trexler, the sponsor, to table HB 423.

Rep. Harper **MOVED** to table HB 423. The question was called. The motion **PASSED** with two no's by Reps. Bitney and McGee.

EXECUTIVE ACTION ON HOUSE BILL 74

Rep. Mood **MOVED** do pass. He presented amendments and the Grey Bill. **EXHIBIT(nah29a18)**, **EXHIBIT(nah29a19)** Rep. Mood explained the bill addressed current statute so it would comply with the federal statute, allow the department to transfer funds between the state revenue waste water and the drinking water fund as the need arises and it would allow the state to issue revenue bonds. Rep. Mood **MOVED** the grey bill.

Kathleen Williams clarified the amendments and the grey bill.

{Tape : 2; Side : A}

The question was called. The motion **PASSED** on the amendment, unanimously.

Rep. Mood **MOVED DO PASS AS AMENDED**. Rep. Raney worried that this was creating state debt by ongoing programs paid by bonds. Rep. Ewer clarified this was a voluntary program and was cost effective. He explained the reality of user fees, the interest rates were good and allowed leverage. It is a cost of doing business and was fair rather than using tax dollars. **{Tape : 2; Side : A; Approx. Time Counter : 4.3}**

The question was called on the bill as amended. The motion **PASSED** 14-1 with Rep. Orr voting no.

EXECUTIVE ACTION ON HOUSE BILL 102

Rep. Dale **MOVED DO PASS**. The Fisher amendment was distributed. **EXHIBIT(nah29a20)** He explained the amendments were in response to some of the concerns expressed during the hearing. It was not the intention to involve any state trust lands and also the concern of the two year time was addressed. Rep. Fisher responded the amendments addressed the agencies concerns. Real estate does not include land given to Montana by the United States.

Kathleen Williams noted some important items, 2-5, take the sole burden off the Department of Natural Resources so each agency

submits their list to the DNRC rather than the DNRC doing the list.

The question was called on the amendments. The motion **PASSED** unanimously.

Rep. Dale **MOVED DO PASS AS AMENDED**. Rep. Ewer said he still had concerns about the large scope of the bill and the unintended consequences. He asked what it meant to be "surplus". Rep. Younkin replied this bill was requesting an inventory report of state lands. Marvin Dye said the Legislature did pass a requirement for agencies to report properties to DNRC. *{Tape : 2; Side : A; Approx. Time Counter : 20.3 - 24.7}*

Rep. Erickson said he had an amendment that would exclude the university system, but before he did that he **MOVED TO TABLE HB 102**. The motion **PASSED** to table 13-7.

ADJOURNMENT

Adjournment: 5:46 P.M.

REP. BILL TASH, Chairman

DEB THOMPSON, Secretary

BT/DT

EXHIBIT (nah29aad)